

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*I hereby certify that this correspondence is being sent via facsimile to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 26, 2002.*

  
Elizabeth A. Jue

Applicant : Gang Li  
Application No. : 09/423,401  
Filed : November 5, 1999  
Title : METHOD OF SELECTIVE  
POST-GROWTH TUNING OF AN  
OPTICAL BANDGAP OF A  
SEMI-CONDUCTOR HETEROSTRUCTURE  
AND PRODUCTS PRODUCED THEREOF

Docket No. : 36368/DRK/L359

## PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.181

Assistant Commissioner for Patents  
PCT Legal Office  
Attention: Rafael Bacares, Legal Examiner  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
November 26, 2002

Commissioner:

This paper is filed in response to a telephone call from Examiner Bacares on November 26, 2002 wherein he indicated that the petition (copy enclosed) filed on August 10, 2000, in response to a Communication from the PCT Legal Office dated 31 July 2000, was not received.

We are therefore resubmitting copies of the following as proof that the petition was timely filed:

- A true copy of the Petition Under 37 C.F.R. § 1.182 filed August 10, 2000; and
- Copy of Return Postcard with a receipt date of August 10, 2000;

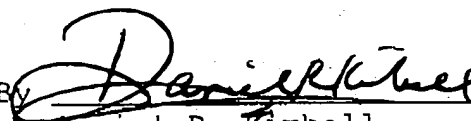
**Application No. 09/423,401**

Based on the foregoing, Applicant respectfully requests that this application be converted to an application under 35 U.S.C. 111(a).

If there are any additional questions or issues, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Daniel R. Kimbell

Reg. No. 34,849

626/795-9900

DRK/eaj

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/423,401  
U.S. Filing Date : November 5, 1999  
  
Priority Date : November 6, 1998  
Applicant : Institute of Materials Research and Engineering  
Title : METHOD OF SELECTIVE POST-GROWTH TUNING OF AN OPTICAL  
BANDGAP OF A SEMI-CONDUCTOR HETEROSTRUCTURE AND  
PRODUCTS PRODUCED THEREOF  
  
Docket No. : 36368/DRK/L359

**PETITION UNDER 37 C.F.R. § 1.182 TO CONVERT TO AN APPLICATION UNDER 35  
U.S.C. 111(a)**

Post Office Box 7068  
Pasadena, CA 91109-7068  
August 10, 2000

Assistant Commissioner for Patents  
PCT Legal Office  
Attn.: Rafael Bacares, Legal Examiner  
Washington, D.C. 20231

Commissioner:

This paper is filed in response to a Communication dated 31 July 2000 from the PCT Legal Office, copy enclosed, which indicated that the applicants have not provided the international application number (PCT number), or the international filing date with the transmittal letter and other documents.

Applicant respectfully petitions that this application be converted to an application under 35 U.S.C. 111(a). When this application was filed, this application was inadvertently filed along with a PCT transmittal letter, rather than with a direct national stage transmittal letter. However, the unexecuted Declaration and Power of Attorney accompanying the application correctly indicated that this application was based not upon a PCT application, but rather upon Singapore patent application No. 9804027-2, with a filing date of 6 November 1998. Accordingly, there is no PCT number or

Appl. No. 09/423,401

international filing date to report.

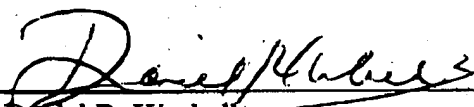
In order that this application can be permitted to proceed, Applicant respectfully requests that this application be converted to an application under 35 U.S.C. 111(a). A check for the petition fee of \$130.00 is enclosed herewith.

Also enclosed herewith are an executed declaration and power of attorney and an executed small entity declaration.

If there are any additional questions or issues, a telephone to the undersigned would be appreciated.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Daniel R. Kimbell  
Reg. No. 34,849  
626/795-9900

DRK/drk

Enclosures: Communication dated 31 July 2000  
Executed declaration and power of attorney.  
Executed small entity declaration  
Request for Refund

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